



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,161	07/16/1999	MICHAEL D. ELLIS	UV-73	7429

7590 06/17/2005
G VICTOR TREYZ
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/356,161</p>	<p>Applicant(s)</p> <p>ELLIS ET AL.</p>	
	<p>Examiner</p> <p>Michael W. Hoye</p>	<p>Art Unit</p> <p>2614</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 23-47, 52-76, 81-94, 96, 98 and 100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 23-47, 52-76 and 81-94 is/are rejected.
- 7) ☒ Claim(s) 96, 98 and 100 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on 3/7/05 with respect to independent claims 1, 31, 60 and 92-94, have been fully considered but they are not persuasive.

Regarding independent claims 1, 31 and 60, the Applicants argue that, "Lawler fails to show or suggest a plurality of user television equipment devices located in a household in a peer-to-peer arrangement on at least two of which program guides are implemented."

In response, the Examiner respectfully disagrees with the Applicants because Lawler clearly discloses in Fig. 1 the claimed "plurality of user television equipment devices located in a household in a peer-to-peer arrangement" as met by controller(s) 20 and video display set(s) 18, which are television equipment devices that may be located in a household or home and are connected in a peer-to-peer arrangement (see col. 3, lines 25-38). The claimed "on at least two of which program guides are implemented" is met by both of the television equipment devices (controller 20 and video display set 18) being involved with the implementation of program guides. The controller 20 handles the control aspects of implementing a program guide and the display set 18 handles the display aspects of implementing a program guide (see col. 4, line 43 – col. 5, line 22).

Regarding independent claims 92-94, the Applicants argue that, "Lawler fails to show or suggest a plurality of user television equipment devices located in a household in a peer-to-peer arrangement on which a plurality of interactive television program guides are implemented."

Art Unit: 2614

In response, the Examiner respectfully disagrees with the Applicants for the same reasons given regarding the response to independent claims 1, 31 and 61, as described above. In addition to, multiple or a plurality of interactive television program guides may be implemented by viewers each entering a personal identification number (PIN) into a station controller 20 (col. 7, lines 37-53 and col. 9, lines 36-49).

Regarding the Applicants argument that:

“...the only device in viewer station 16 upon which a program guide or application may be implemented is interactive station controller 20. Video display set 18 is only configured to display images, and not to execute software (e.g., a program guide or application). Because Lawler only discusses having one interactive station controller 20 in each home, only one program guide or application may be implemented in each home. On the other hand, applicants' independent claims 1, 31, 60, and 89-94 each require that more than one program guide or application be implemented on more than one user television equipment device or set-top box in a household.”

In response to the argument that, “the only device in viewer station 16 upon which a program guide or application may be implemented is interactive station controller 20”, the Examiner respectfully disagrees with the Applicants because, as described above with respect to claims 1, 31 and 60, both of the television equipment devices (controller 20 and video display set 18) are involved with the implementation of program guides. The controller 20 handles the control aspects of implementing a program guide and the display set 18 handles the display aspects of implementing a program guide (see col. 4, line 42 – col. 5, line 22). Moreover, Lawler discloses that an interactive station controller 20 could alternatively be integral with video display set 18 (col. 3, lines 36-38), in addition, each viewer station 16 may include more than one video display set 18 and interactive station controller 20 (col. 3, lines 33-36). Regarding the argument that, “Video display set 18 is only configured to display images, and not to execute software (e.g., a program guide or application)”, the Examiner respectfully disagrees with the

Art Unit: 2614

Applicants because while Video display set 18 does display images, it is implementing a program guide and may also have the features of interactive station controller 20 integrated into the video display set as described above. Finally, regarding the Applicants argument that, “Because Lawler only discusses having one interactive station controller 20 in each home, only one program guide or application may be implemented in each home”, the Examiner respectfully disagrees with the Applicants because each viewer station 16 may include more than one video display set 18 and interactive station controller 20 (col. 3, lines 33-36), in addition, multiple or a plurality of interactive television program guides may be implemented by viewers each entering a personal identification number (PIN) into a station controller 20 (col. 7, lines 37-53 and col. 9, lines 36-49), as previously described above.

2. Applicants’ arguments, see page 53 of Remarks, filed on 3/7/05, with respect to the rejection of claims 89-91 under 35 U.S.C. § 102(e) as being anticipated by Lawler (USPN 5,758,259) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lawler (USPN 5,758,259), in further view of Humpleman (USPN 5,886,732), both previously cited by the Examiner.

Regarding independent claims 89-91, the Applicants argue that, “Lawler fails to show or suggest a plurality of user television equipment devices located in a household in a peer-to-peer arrangement in which the user television equipment devices include set-top boxes and an application is implemented on each set-top box.” (See pg. 53 in the Remarks section)

In response to the Applicants' arguments, the Examiner notes that the Lawler reference discloses the claimed "a plurality of user television equipment devices located in a household in a peer-to-peer arrangement" as met by controller(s) 20 and video display set(s) 18, which are television equipment devices that may be located in a household or home and are connected in a peer-to-peer arrangement (see col. 3, lines 25-38). The claimed "wherein the user television equipment devices include set-top boxes and wherein an application is implemented on each set-top box" is met in part by the controllers 20, which may be set-top boxes (col. 3, lines 32-36), and network 14 (see Fig. 1), which carries bidirectional communications between station controllers 20 and central control node 12 (col. 3, lines 53-55). However, Lawler is silent as to whether or not controllers 20 may be located in a household in a peer-to-peer arrangement. The Humpleman (USPN 5,886,732) reference specifically teaches that set-top boxes (STE) may be located in a household in a peer-to-peer arrangement as shown in Figs. 1 and 2, where set-top boxes or set-top electronics (STE or STE-n) may be located in a household (36) in a peer-to-peer arrangement through an internal network 34 (see col. 2, line 56 – col. 5, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the peer-to-peer arrangement as disclosed in the Lawler reference with the additional teachings of Humpleman which specifically discloses that set-top boxes may be located in a household in a peer-to-peer arrangement for the advantage of allowing multiple set-top boxes to be distributed throughout the home in a less expensive manner, since less electronics or hardware is required for each unit distributed throughout the home. Additionally, the homeowner is not forced to receive programming from a single source, and moreover, the homeowner may set up a "master" set-top box to provide a central control over other set-top

Art Unit: 2614

boxes in the household (see col. 4, line 60 – col. 5, line 19). One of ordinary skill in the art would have been led to make such a modification since peer-to-peer arrangements are well known in the art as well as for the advantages previously described above.

Drawings

3. The replacement sheets 16, 25 and 34 for use as formal drawings for Figs. 12, 20 and 29-30 were received on 3/7/05. These drawings are approved by the Examiner.
4. In order to avoid abandonment, the drawing informalities as noted in the Notice of Draftsperson's Patent Drawing Review (PTO-948) paper mailed on 10/7/2004 for the remaining Figures 1-11, 13-19, 21-28 and 31-36, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 9, 31-36, 60-65 and 92-94 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawler (USPN 5,758,259), cited by the Examiner.

Art Unit: 2614

As to claim 1, note the Lawler patent which discloses an interactive program guide system. Lawler discloses in Fig. 1 the claimed “plurality of user television equipment devices located in a household in a peer-to-peer arrangement” as met by viewer stations 16, with controller(s) 20 and video display set(s) 18, which are television equipment devices that may be located in a household or home and are connected in a peer-to-peer arrangement (see col. 3, lines 25-38). The claimed “on at least two of which program guides are implemented” is met by both of the television equipment devices (controller 20 and video display set 18) being involved with the implementation of program guides. The controller 20 handles the control aspects of implementing a program guide and the display set 18 handles the display aspects of implementing a program guide (see Figs. 3A and 3B and col. 4, line 42 – col. 5, line 22). Moreover, Lawler discloses that an interactive station controller 20 could alternatively be integral with video display set 18 (col. 3, lines 36-38), in addition, each viewer station 16 may include more than one video display set 18 and interactive station controller 20 (col. 3, lines 33-36). Video display set 18 displays images, including implementing the display of a program guide and may also have the features of interactive station controller 20 integrated into the video display set as described above. The claimed means associated with at least one of said interactive television program guides for adjusting interactive television program guide settings is met by col. 4, lines 50-57; col. 5, lines 52-59; col. 7, lines 35-53 and col. 8, lines 51-59, where the viewer may enter a PIN and set and select viewing preferences. The claimed means for coordinating the operation of said interactive television program guides so that the program guide settings that are adjusted using said means for adjusting are effective on at least one of the interactive television program guides other than the interactive television program guide

Art Unit: 2614

implemented on the television equipment device with which the means for adjusting is associated is met by col. 9, lines 36-43, where the method could be used for all viewers within a household, or any other aggregate of viewers. Furthermore, as stated above, each viewer station 16 may include more than one video display set 18 and interactive station controller 20 (col. 3, lines 33-36), in addition, multiple or a plurality of interactive television program guides may be implemented by viewers each entering a personal identification number (PIN) into a station controller 20 (col. 7, lines 37-53 and col. 9, lines 36-49), as previously described above.

As to claim 2, the claimed means selecting the interactive television program guides on which the adjusted program guide settings will be effective is met by viewer identifiers (col. 7, lines 37-43).

As to claim 3, the claimed wherein said means for selecting uses input from a user is met by the viewer control unit 71 as shown in Fig. 4.

As to claim 4, the claimed said means for selecting uses a default location is met by one embodiment where the preferred programming may be used for all viewers within a household (see Fig. 3B and col. 9, lines 36-41).

As to claim 5, the claimed said means for selecting uses factors other than by default to determine the location is met by claim 2 above, where Lawler does not explicitly disclose using a default location.

As to claim 6, the claimed wherein at least one of the user television equipment devices comprises set-top box is met by controllers 20 in Fig. 1, which may be set-top boxes (col. 3, lines 32-35).

Art Unit: 2614

As to claim 9, the claimed means for adjusting permits adjusting profiles is met by a user entering a PIN into a station controller 20 (col. 7, lines 35-53) and selecting programming (col. 5, lines 53-59).

As to claims 31-36, the claims are rejected based on similar arguments made above for claims 1-6, respectively.

As to claims 60-65, the claims are rejected based on similar arguments made above for claims 1-6, respectively.

As to claims 92-94, the claims are rejected based on similar arguments made above for claim 1, respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-8, 10-13, 28, 37-42, 57, 66-71 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of LaJoie et al (USPN 5,850,218), cited by the Examiner.

As to claim 7, the Lawler patent discloses the claimed interactive television program guide system as described in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting parental control settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting

Art Unit: 2614

parental control settings as shown in Figs. 8-10, where the user may use the remote control 59 to block a channel (see col. 17, lines 15-15-29 and col. 19, line 29 – col. 20, line 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches parental control settings for the advantage of providing access control or parental control for program content. One of ordinary skill in the art would have been led to make such a modification since parental control or access blocking features are well known in the art of electronic program guides in order to assist parents in keeping others, such as their children, from viewing objectionable content.

As to claim 8, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above wherein the settings are adjusted based primarily on user profiles and viewing history. Although, user profiles could be considered favorites settings (see Table 2 in col. 8) and the system tracks favorites, the Lawler et al patent does not explicitly disclose the means for adjusting permits adjusting favorites settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting favorites settings as shown in Figs. 8-10 and 15, where the user may use the remote control 59 to select or remove favorite channels (see col. 19, line 29 – col. 20, line 52 and col. 23, lines 1-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches adjusting favorite settings for the advantage of allowing the viewer to make adjustments to their settings for favorite programs. One of ordinary skill in the art would have been led to make such a modification

Art Unit: 2614

since favorite setting features for channels or programming are well known in the art of electronic program guides in order to assist viewers in locating preferred programming or by recording programs that may be of interest to the viewer.

As to claim 10, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting recording settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting recording settings as shown in Fig. 8 (REC 184, col. 19, lines 29-38), Fig. 9 (Record setting 204, col. 19, lines 39-54), Figs. 10-12, 14 and 24, where the user may use the remote control 59 to adjust recording settings. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches adjusting recording settings for the advantage of allowing the viewer to record specific programs for viewing at a later time. One of ordinary skill in the art would have been led to make such a modification since recording setting features are well known in the art of electronic program guides in order to assist viewers in recording programs that are of interest to the viewer.

As to claim 11, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting pay-per-view settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting pay-per-view settings as shown in Fig. 10 (PPV Purchases 234, col. 20, lines 9-53), Fig. 13 (PPV Purchases 286, col. 22, lines 16-46), Figs. 25-26 and 28-32, where the user may select pay-per-

Art Unit: 2614

view (PPV) events and make adjustments to the PPV settings. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches adjusting pay-per-view settings for the advantage of allowing the viewer to watch additional programming events for an additional fee, which generates increased revenue for the program provider, such as the cable company, as well as the program producers and other entities. One of ordinary skill in the art would have been led to make such a modification since incorporating PPV features and settings into a set-top box system is well known in the art of electronic program guides in order to allow users to purchase additional types of programming, as well as provide the additional benefits as described above.

As to claim 12, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting messages settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting messages settings as shown in-part in Fig. 35 (see col. 33, lines 31-61), where messages may be sent from the headend 2 to one or more users at one or more set-top terminals, or may be sent from one user within a household to another. The message transmission system may be adjusted in various configurations or settings as described in the section cited above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches adjusting messages settings for the advantage of allowing users within a household to send messages to each other via different set-top boxes or

Art Unit: 2614

to allow the cable provider to send messages to one or more users via the headend. One of ordinary skill in the art would have been led to make such a modification since the use of messages is well known in the art of electronic program guides in order to communicate important information to users from the headend, as well as, to send messages from one user to another user within a household.

As to claim 13, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting set-up settings. The LaJoie et al patent teaches an interactive program guide system with means for adjusting that permits adjusting set-up settings as shown in Fig. 10, for example (see col. 20, lines 9-52), which enables the user to make further settings adjustments to the set-top terminal 6. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches adjusting set-up settings for the advantage of allowing the user to further adjust their own system according to their own household environment. One of ordinary skill in the art would have been led to make such a modification since it is well known to provide set-up settings to allow a user to make further adjustments to a set-top box system.

As to claim 28, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for sending messages to viewers at interactive television program guides other than the interactive television program guide on the user television equipment with which the means for adjusting associated. The LaJoie et al patent teaches an interactive program guide

Art Unit: 2614

system where messages may be sent from the headend 2 to one or more users at one or more set-top terminals, or may be sent from one user within a household to another (see Fig. 35 and col. 33, lines 31-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the interactive program guide system of LaJoie et al that further teaches the ability to sent messages from one user within a household to another for the advantage of allowing users within a household to send messages to each other via different set-top boxes or to allow the cable provider to send messages to one or more users via the headend. One of ordinary skill in the art would have been led to make such a modification since the use of messages is well known in the art of electronic program guides in order to communicate important information to users from the headend, as well as, to send messages from one user to another user within a household.

As to claims 37-42 and 57, the claims are rejected based on similar arguments made above for claims 7-8, 10-13 and 28, respectively.

As to claims 66-71 and 86, the claims are rejected based on similar arguments made above for claims 7-8, 10-13 and 28, respectively.

9. Claims 14-15, 43-44, 72-73 and 89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of Humpleman (USPN 5,886,732), cited by the Examiner.

As to claim 14, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. Lawler discloses that there may be multiple viewers residing at a location. However, Lawler does not explicitly disclose the claimed one of the user television equipment devices is a primary user television equipment device and the other user

Art Unit: 2614

television equipment devices are secondary user television equipment devices. The Humpleman patent teaches a set-top box home network arrangement, with program guide functionality (col. 9, lines 48-49), as shown in Figs. 1 and 2, where in some embodiments, a “master” set-top box (or “primary user television equipment device”) may be provided with additional set-top boxes (or “secondary user television equipment devices”) distributed throughout the home (col. 5, lines 14-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the set-top box network arrangement with an interactive program guide system of Humpleman that further teaches a server-client or primary/secondary type arrangement for the set-top boxes in the household network for the advantage of having a master set-top box which provides control over other set-top boxes in the network system. One of ordinary skill in the art would have been led to make such a modification since it is well known to arrange and configure set-top boxes in a household in a master-slave configuration or primary/secondary arrangement for the advantage given above.

As to claim 15, the claimed interactive television program guide system defined in claim 14, wherein the communications paths are configured to connect each one of the secondary user television equipment devices to the primary user television equipment device is met by the Humpleman patent which discloses the “master” set-top box arrangement as described above, as well as a star topology (see col. 5, lines 39-41).

As to claims 43-44, the claims are rejected based on similar arguments made above for claims 14-15, respectively.

As to claims 72-73, the claims are rejected based on similar arguments made above for claims 14-15, respectively.

As to claim 89, the claim is rejected in part based on similar arguments made above for claim 1, respectively. The Lawler reference discloses the claimed “a plurality of user television equipment devices located in a household in a peer-to-peer arrangement” as met by controller(s) 20 and video display set(s) 18, which are television equipment devices that may be located in a household or home and are connected in a peer-to-peer arrangement (see col. 3, lines 25-38). The claimed “wherein the user television equipment devices include set-top boxes and wherein an application is implemented on each set-top box” is met in part by the controllers 20, which may be set-top boxes (col. 3, lines 32-36), and network 14 (see Fig. 1), which carries bidirectional communications between station controllers 20 and central control node 12 (col. 3, lines 53-55). However, Lawler is silent as to whether or not controllers 20 may be located in a household in a peer-to-peer arrangement. The Humpleman (USPN 5,886,732) reference specifically teaches that set-top boxes (STE) may be located in a household in a peer-to-peer arrangement as shown in Figs. 1 and 2, where set-top boxes or set-top electronics (STE or STE-n) may be located in a household (36) in a peer-to-peer arrangement through an internal network 34 (see col. 2, line 56 – col. 5, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the peer-to-peer arrangement as disclosed in the Lawler reference with the additional teachings of Humpleman which specifically discloses that set-top boxes may be located in a household in a peer-to-peer arrangement for the advantage of allowing multiple set-top boxes to be distributed throughout the home in a less expensive manner, since less electronics or hardware is required for each unit

Art Unit: 2614

distributed throughout the home. Additionally, the homeowner is not forced to receive programming from a single source, and moreover, the homeowner may set up a “master” set-top box to provide a central control over other set-top boxes in the household (see col. 4, line 60 – col. 5, line 19). One of ordinary skill in the art would have been led to make such a modification since peer-to-peer arrangements are well known in the art as well as for the advantages previously described above.

As to claims 90-91, the claims are rejected based on similar arguments made above for claim 89, respectively.

10. Claims 16-18, 25-26, 30, 45-47, 54-55, 59, 74-76, 83-84 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler.

As to claims 16-18, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. Lawler does not explicitly disclose the claimed communications paths are configured to connect the user television equipment devices in a tree topology, a ring topology, or a bus topology. However, the Examiner takes Official Notice that it is notoriously well known in the art of network arrangements, such as Local Area Networks (LAN), Wide Area Networks (WAN), etc., to use various types of network configurations, including tree, ring or bus topologies, for the specific advantages associated with each type of network topology, such as the types of devices or hardware available, the wiring configuration, etc. In some arrangements, more processing is required for each television equipment device and other arrangements require less processing at each set-top box, also some arrangements may be able to incorporate existing cable infrastructure that is already within the home. Therefore, it is

Art Unit: 2614

submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to use a tree, a ring, or a bus topology for the advantages given above.

As to claim 25, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. As to the claimed interactive television program guide system further comprising means for allowing the user to monitor the television viewing of users at interactive television program guides other than the interactive television program guide on the user television equipment with which the means for adjusting is associated, the Lawler reference discloses identifying the viewing histories of all viewers within a household or any other aggregate of viewers for use in identifying preferred programming according to individual viewing histories (col. 9, lines 35-49). Although Lawler does not explicitly disclose allowing the user to access the specific viewing history of users, the Examiner takes Official Notice that it is notoriously well known in the art of interactive video distribution systems with monitoring features to allow a parent or other user to access the television viewing, or viewing history, of users at other systems within the network for the advantage of tracking or monitoring viewer history or allowing parents to determine if their children have been watching objectionable content. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have allowed a user to monitor the television viewing of users at interactive television program guides other than the interactive television program guide on the user television equipment with which the means for adjusting is associated for the advantages given above.

As to claim 26, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. Although, the Lawler patent does not explicitly disclose

Art Unit: 2614

the claimed means for adjusting permits adjusting maximum rating allowed settings. The Examiner takes Official Notice that it is notoriously well known in the art of interactive video distribution systems to provide access control or blocking wherein the settings may be adjusted to block programming above a set rating limit for the advantage of allowing parents or other individuals to determine if they do not want their children or other users to be able to view or access programming with a certain level or rating of objectionable content. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included means for adjusting which permits adjusting maximum rating allowed settings for the advantage given above.

As to claim 30, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. Although, the Lawler patent does not explicitly disclose the claimed means for disallowing monitoring of a selected location, the Examiner takes Official Notice that it is notoriously well known in the art of interactive video distribution systems to provide the option for disallowing monitoring of a selected location since some types of monitoring may violate individuals privacy concerns regarding the programming that is viewed. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have incorporated means for disallowing monitoring of a selected location for the advantage given above.

As to claims 45-47, 54-55 and 59, the claims are rejected based on similar arguments made above for claims 16-18, 25-26 and 30, respectively.

As to claims 74-76, 83-84 and 88, the claims are rejected based on similar arguments made above for claims 16-18, 25-26 and 30, respectively.

Art Unit: 2614

11. Claims 23-24, 29, 52-53, 58, 81-82 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of Humpleman (USPN 6,288,716), cited by the Examiner.

As to claim 23, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for providing an assign location screen to the user. The Humpleman '716 patent teaches a home network arrangement, with electronic program guide (EPG) functionality (col. 22, line 50 – col. 23, line 8), which further comprises means for assigning device locations according to the respective home device's placement in the home on a room by room basis (see col. 14, lines 13-25 and Fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the home network arrangement with an interactive program guide system of Humpleman that further teaches means for providing a location assignment screen to the user for the placement of devices within the home for the advantage of providing easy access and identification of the household devices when using the system by having the devices labeled according to their proper location within the home. One of ordinary skill in the art would have been led to make such a modification since location assignments provide easy access and selection for users of the system.

As to claim 24, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. Lawler discloses that there may be multiple users in a household. However, Lawler does not explicitly disclose all of the claimed, "household comprises a home with multiple rooms at least two of which each contain one of the user

Art Unit: 2614

television equipment devices on which one of the interactive television program guides implemented, the system further comprising means for selecting the interactive television program guides on which the adjusted program guide settings are to be effective by selecting certain rooms.” The Humpleman patent teaches the claimed household comprises a home with multiple rooms at least two of which each contain one of the user television equipment devices on which one of the interactive television program guides implemented, the system further comprising means for selecting the interactive television program guides on which the adjusted program guide settings are to be effective by selecting certain rooms (see Figs. 9-11, for example, Dads TV, Jims TV, Basement TV, etc., col. 14, lines 13-25; col. 22, line 51 – col. 23, line 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the home network arrangement and electronic program guide system of Humpleman for the advantage of allowing a user to select and adjust settings on other devices within the system from a single location. One of ordinary skill in the art would have been led to make such a modification since having the capability of selecting and controlling multiple interactive television equipment devices from one location in a household would simplify use of the home network.

As to claim 29, the Lawler patent discloses the claimed interactive television program guide system defined in claim 1 above. However, Lawler does not explicitly disclose the claimed means for adjusting permits adjusting the channel setting at remote location. The Humpleman patent teaches the claimed means for adjusting permits adjusting the channel setting at remote location (see channel controls for the television devices in other locations as shown in

Art Unit: 2614

Figs. 10, 11 and 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the interactive television program guide system of Lawler with the home network arrangement and electronic program guide system of Humpleman for the advantage of allowing a user the capability of being able to remotely adjust the channel setting of a device at another location in case the user wanted to record or watch a program in another room or have other people located in another area or room view the same program. One of ordinary skill in the art would have been led to make such a modification for the advantages given above.

As to claims 52-53 and 58, the claims are rejected based on similar arguments made above for claims 23-24 and 29, respectively.

As to claims 81-82 and 87, the claims are rejected based on similar arguments made above for claims 23-24 and 29, respectively.

Allowable Subject Matter

12. Claims 96, 98 and 100 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, does not teach or fairly suggest an interactive program guide method and system wherein the program guide settings include pay-per-view settings; a first one of the plurality of user television equipment devices is authorized to allow viewing of pay-per-view program; at least one additional one of the plurality of user television equipment devices is

Art Unit: 2614

authorized to allow viewing of the pay-per-view program; a first cost is associated with viewing the pay-per-view program at the first one of the plurality of user television equipment; an additional cost is associated with viewing the pay-per-view program at each additional one of the plurality of user television equipment devices; and at least one of the at least one of interactive television guides with which settings are adjusted is configured to provide information about the first cost and each additional cost.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ludtke (USPN 6,237,049) – Discloses television equipment devices arranged in a peer-to-peer configuration.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2614

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (571) 272-7346.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (703) 872-9306


Art Unit: 2614

Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (571) 272-2600.

Michael W. Hoyer
June 8, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600